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| APPLICATION NO.                          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/767,594                               | 01/28/2004  | Virgil L. Collins    | 03-876                  | 5205             |
| 20306                                    | 7590        | 08/26/2005           | EXAMINER                |                  |
| MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP |             |                      | ADAMS, GREGORY W        |                  |
| 300 S. WACKER DRIVE                      |             |                      | ART UNIT                | PAPER NUMBER     |
| 32ND FLOOR                               |             |                      | 3652                    |                  |
| CHICAGO, IL 60606                        |             |                      | DATE MAILED: 08/26/2005 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                    |
|------------------------------|------------------------------|--------------------|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)       |
|                              | 10/767,594                   | COLLINS, VIRGIL L. |
|                              | Examiner<br>Gregory W. Adams | Art Unit<br>3652   |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 May 2005.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Galbreath (US 4,986,719).

With respect to claim 1, Galbreath discloses a system for loading and unloading a container comprising an elongated body 75 with a body front adjacent a transport vehicle cab and a body rear located opposite a body front, carriage 20, 75 attached to and traveling along an elongated body, rollers 51 that can engage a container or other structure multi-stage central hydraulic cylinder 81 having a fixed end attached to an elongated body rear 75 and a moving end attached to a carriage 20, 75, means for releasably engaging a container and moves with a carriage 20, 75, and a pair of hydraulic cylinders 36, 38 connected to a vehicle 21 and to an elongated body 75.

With respect to claim 3, Galbreath discloses a cable sheave 67 attached to a carriage 20, 75.

With respect to claim 4, Galbreath discloses a cable 68 engages a cable sheave 67 wherein a cable fixed end attaches to an elongated body 75 or central hydraulic cylinder 81 and a cable free end engages a container 54.

With respect to claim 5, Galbreath discloses a system for loading and unloading a container comprising an elongated body 75 with a body front adjacent a transport

vehicle cab and a body rear located opposite a body front, carriage 20, 75 attached to and traveling along an elongated body, rollers 51 that can engage a container or other structure multi-stage central hydraulic cylinder 81 having a fixed end attached to an elongated body rear 75 and a moving end attached to a carriage 20, 75, a cable sheave 67 attached to a carriage 20, 75, a cable 68 that engages a cable sheave 67 wherein a cable fixed end attaches to an elongated body 75 or central hydraulic cylinder 81 and a cable free end engages a container 54, and a pair of hydraulic cylinders 36, 38.

With respect to claim 6, Galbreath discloses a system for loading and unloading a container comprising an elongated body 75 with a body front adjacent a transport vehicle cab and a body rear located opposite a body front, carriage 20, 75 attached to and traveling along an elongated body, rollers 51 that can engage a container or other structure, multi-stage central hydraulic cylinder 81 having a fixed end attached to an elongated body rear 75 and a moving end attached to a carriage 20, 75, a jib 80 and hook lift 80, and a pair of hydraulic cylinders 36, 38 connected to a vehicle 21 and to an elongated body 75.

With respect to claim 7, Galbreath discloses a system for loading and unloading a container comprising an elongated body 75 with a body front adjacent a transport vehicle cab and a body rear located opposite a body front, carriage 20, 75 attached to and traveling along an elongated body, multi-stage central hydraulic cylinder 81 having a fixed end attached to an elongated body rear 75 and a moving end attached to a carriage 20, 75, means for releasably engaging a container and moves with a carriage

20, 75, and a pair of hydraulic cylinders 36, 38 connected to a vehicle 21 and to an elongated body 75.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galbreath (US 4,986,719) in view of Raisio (US 5,163,800). Galbreath does not disclose a pair of cylinders for a jib and hook. Raisio discloses a jib 83 and hook lift 84 that engages a container lift bar a pair of hydraulic cylinders 85, 86 attached to a carriage and a jib and hook. Raisio teaches that piston cylinder rams 85 are connected between the jib 83 and carriage to enable relative pivoting of a hook arm, for attachment to a container. Col. 5, Ins. 1-33. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Galbreath to include a pair of cylinders to actuate a jib and hook, as per the teachings of Raisio, such that the jib and hook will be aligned relative to a carriage for attachment to a container.

***Response to Arguments***

Applicant's arguments filed May 27, 2005 with respect to claims 1 & 3-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment of claims 1-6 and the addition of new claim 7 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



JAMES W. KEENAN  
PRIMARY EXAMINER